

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of: Aikiyo et al. File No: EP 672 US CIP/PCT
Serial No: 09/884,147 Art Unit: 2828
Filed: June 20, 2001 Examiner: Jackson, C.H.
Title: Semiconductor Laser Module, and Method for Driving the
Semiconductor Laser Module

The Commissioner of Patents and Trademarks
Washington, D.C., 20231, U.S.A.

Sir,

This is in response to the Official Action mailed on November 06, 2002. Please amend the above-identified application as follows:

In the Claims

Claims 2, 5, 20, 21, 22 and 36 have been amended and are submitted herewith.

Claim 4 is deleted.

Claim 36 is added.

Attachment A is a clean copy of the amendments.

Attachment B is a marked up copy of the amendments.

The "Remarks" section comprises comments regarding the detailed Office Action.

Remarks

Claims 1-3 and 5-36 remain in the present application.

Claims 1-24 are rejected under 35 U.S.C. 112; claims 1-11, 16, 27, 29, 32 and 35 are rejected under 35 U.S.C. 102; claims 12-15, 28, 33 and 34 are rejected under 35 U.S.C. 103.

Claim 4, dependent on claim 3, is deleted because it referred to subject matter found in a subsequent claim, in particular claim 5.

New dependent claim 36, dependent on claim 5, is added to replace deleted claim 4, such that the subject matter claimed in claim 36 has now proper antecedence.

Claim 2 is amended to correct a clerical error; the claim now ends with a period.

Claim 5 is amended to respect the new claim dependency.

Claims 20 and 21 are amended to correct antecedence inconsistencies.

Claim Rejections Under 35 U.S.C. § 112:

Claims 1-24 are rejected under 35 U.S.C. 112 second paragraph, as being indefinite and for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is respectfully submitted that there is no ambiguity regarding the use of "a semiconductor laser module" in the preamble and the use of "a semiconductor laser element" in the claim. The two expressions are clearly distinct both with respect to readability and with respect to antecedence and one is not used in lieu of the other. The phrase "a semiconductor laser module" is directed to an entity as a "whole" whereas the phrase "a semiconductor laser element" relates to a part of the "whole." This wording is used in the background of the invention, first paragraph, wherein a clear distinction between a semiconductor laser module and a semiconductor laser element is made. Applicant disagrees with Examiner's rejection.

Since Applicant does not consider that the claims are indefinite, the claims are not amended to overcome the rejection under 35 U.S.C. 112 second paragraph.

Claim Rejections Under 35 U.S.C. § 102:

Claims 1-11, 16-27, 29-32 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Aikiyo (US Patent No. 6,385,222).

It is respectfully submitted that the reference cited by Examiner to reject the claims as being anticipated is improperly cited. The reference is in fact the parent case of

the present application from which a priority claim is provided for the present application. Citation of the parent is inappropriate in the present situation.

Claim Rejections Under 35 U.S.C. § 103:

Claims 12-15, 28, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aikiyo (US Patent No. 6,385,222).

The prior art reference also appears to be improperly cited, as the inventor of US Patent No. 6,385,222 is also an inventor of the present application and both are assigned to the same assignee, The Furukawa Electric Co., Ltd.


No amendment was made to the claims to overcome the rejections under 35 U.S.C. 102(e) and 103(a).

No new matter has been added.

Please also charge any additional fees required or credit any overpayment to Deposit Account No: 50-1142.

Applicant respectfully submits that the claims are allowable, and Applicant requests reconsideration of the present application.

Respectfully,


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Date:

12/30/02

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